

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

MOISES MAIONICA, et al.

CASE NUMBER: 07-3513- Dobe

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From in or about August, 2007 to the present, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, MOISES MAIONICA, ANTONIO JOSE CANCHICA GOMEZ, RODOLFO EDGARDO WANSEELE PACIELLO, FRANKLIN DURAN, AND CARLOS KAUFFMANN did knowingly and willfully combine, conspire, confederate and agree with each other and with other individuals to commit an offense against the United States, that is, to knowingly act in the United States as agents of a foreign government, specifically, the government of the Bolivarian Republic of Venezuela, without prior notification to the Attorney General of the United States as required by law, in violation of Title 18, United States Code, Section 951; all in violation of Title 18, United States Code, Section 371; and further between August, 2007 and the present, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, MOISES MAIONICA, ANTONIO JOSE CANCHICA GOMEZ, RODOLFO EDGARDO WANSEELE PACIELLO, FRANKLIN DURAN, AND CARLOS KAUFFMANN knowingly, without prior notification to the Attorney General as required by law, acted in the United States as agents of a foreign government, specifically, the government of the Bolivarian Republic of Venezuela, in violation of Title 18, United States Code, Sections 951 and 2.

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT


 Michael J. Lasiewicki
 Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence,

12 Dec 07
 Date

at Miami, Florida
 City and State

UNITED STATES MAGISTRATE JUDGE
 Name and Title of Judicial Officer


 Signature of Judicial Officer

AFFIDAVIT

I, Michael J. Lasiewicki, Special Agent (SA) with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

1. I have been a Special Agent with the FBI since 09/07/04, stationed at the Miami, Florida Field Office. I am currently assigned to a squad dedicated to the investigation of, among other matters, violations of Title 18, United States Code, Section 951, that is, Acting as an Illegal Agent of a Foreign Government and Title 18, United States Code, Section 371, that is, Conspiracy to Act as an Illegal Agent of a Foreign Government.

2. The information contained in this affidavit is based on my personal observations, conversations with other law enforcement agents and officials involved in this investigation, documents provided to me in my official capacity, tape recorded conversations, interviews with cooperating witnesses, and on my experience and background as a FBI Special Agent.

3. Since this affidavit is being submitted for the limited purpose of establishing probable cause for the arrest of Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Edgardo Wanseele Paciello, Franklin Duran, and Carlos Kauffmann, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to believe that Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Edgardo Wanseele Paciello, Franklin Duran, and Carlos Kauffmann have committed violations of 18 U.S.C. §§ 951, 371, and 2.

4. Title 18, United States Code, Sections 951 and 2 make it a federal offense to knowingly, without prior notification to the Attorney General as required by law, act in the United States as an agent of a foreign government or to knowingly aid and abet an individual who is

knowingly, without prior notification to the Attorney General as required by law, acting in the United States as an agent of a foreign government.

5. Title 18, United States Code, Section 371 makes it a federal offense to knowingly and willfully combine, conspire, confederate and agree with another to commit an offense against the United States, in this case, to knowingly act in the United States as an agent of a foreign government.

6. On August 4, 2007, a Cessna Citation, bearing registration number N5113S landed at Aeroparque Jorge Newbery in Buenos Aires, Argentina. The privately chartered aircraft had previously departed from Caracas Maiquetía International Airport in Venezuela, carrying eight passengers on board, including, among others, Guido Alejandro Antonini Wilson. During a search, conducted by the Argentine Customs Service, of luggage belonging to the passengers and offloaded from the Cessna Citation, approximately \$800,000 in United States currency, was discovered and confiscated by the Argentine Customs Service. The Argentine Customs Service discovered the funds in a piece of luggage being carried by Guido Alejandro Antonini Wilson. These funds had been destined for the campaign of a candidate in the Argentine presidential election of October 28, 2007; neither the true source nor the intended recipient of those cash funds had been disclosed.

7. Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Edgardo Wanseele Paciello, Franklin Duran, and Carlos Kauffmann and the other participants in the conspiracy, acting as agents of the Bolivarian Republic of Venezuela sought to obtain the assistance of Guido Alejandro Antonini Wilson, a U. S. citizen who travels under both United States and Venezuelan passports, in concealing from the people of Argentina and others, the source and destination and the role of the government of the Bolivarian Republic of Venezuela in the attempted delivery of the aforementioned approximately \$800,000.

8. On August 17, 2007, FRANKLIN DURAN, CARLOS KAUFFMANN, and MOISES MAIONICA entered the United States at Miami International Airport.

9. On August 23, 2007, FRANKLIN DURAN, CARLOS KAUFFMANN, MOISES MAIONICA, and another individual met with Guido Alejandro Antonini Wilson in Ft. Lauderdale, Florida. At that meeting, FRANKLIN DURAN revealed to Guido Alejandro Antonini Wilson the identity of the candidate in the Argentine Republic presidential campaign who was intended to receive the approximately \$800,000 which had been confiscated at Aeroparque Jorge Newbery in Buenos Aires, Argentina. FRANKLIN DURAN further advised Guido Alejandro Antonini Wilson that he (Duran) had spoken with a very high ranking official of DISIP, and a very high ranking official of the Justice Ministry of Venezuela, concerning the aborted donation. DISIP is a department of the Bolivarian Republic of Venezuela, known as the Intelligence and Preventive Services Directorate of the Bolivarian Republic of Venezuela. FRANKLIN DURAN further advised Guido Alejandro Antonini Wilson that authorities in both Argentina and Venezuela would pursue Antonini, if Antonini said that the seized funds did not belong to him (Antonini). CARLOS KAUFFMANN advised Guido Alejandro Antonini Wilson that the consequences of Antonini's future actions might put the life of Antonini's children at risk. MOISES MAIONICA advised Guido Alejandro Antonini Wilson that PDVSA (Petróleos de Venezuela S. A.) would pay for all the expenses and financial penalties that Antonini might incur as a result of the seizure of the \$800,000.

10. On August 27, 2007, MOISES MAIONICA, FRANKLIN DURAN, and another individual from Argentina met with Guido Alejandro Antonini Wilson in Ft. Lauderdale, FL. At this meeting, FRANKLIN DURAN advised Guido Alejandro Antonini Wilson, in substance, that disclosure of the purpose and intended recipient of the seized cash could result in the loss of the

election by the intended recipient. FRANKLIN DURAN further asserted to Guido Alejandro Antonini Wilson that the people in Venezuela and Argentine wanted Antonini's mess to be solved so that the truth didn't come out. FRANKLIN DURAN identified the individual who had taken the seized cash on board the aircraft as the assistant to the Chief Executive Officer of PDVSA.

11. On August 29, 2007, FRANKLIN DURAN spoke on the telephone with Guido Alejandro Antonini Wilson; in that conversation, FRANKLIN DURAN requested that Antonini electronically transmit a power of attorney to him, and assured Antonini that the matter was being handled at "the top of the Venezuelan government."

12. On September 16, 2007, MOISES MAIONICA spoke on the telephone with Guido Alejandro Antonini Wilson and advised Antonini that his (MAIONICA's) involvement in this matter began with a three way telephone call between the Office of the Vice President of Venezuela, DISIP and himself (MAIONICA) in which MAIONICA was given his mission.

13. On October 4, 2007, MOISES MAIONICA spoke on the telephone with Guido Alejandro Antonini Wilson and advised Antonini that an emissary was being sent to Antonini and that Antonini was to personally tell that emissary what Antonini required in order to participate in the conspiracy, as described in paragraph 7.

14. On October 27, 2007, at approximately 11:15 a. m., MOISES MAIONICA spoke on the telephone with Guido Alejandro Antonini Wilson and advised Antonini that the emissary was going to travel on Sunday (October 28, 2007) and that the name of MOISES MAIONICA and Antonini's "common friend" would be the code name by which Antonini would recognize the emissary.

15. On October 27, 2007, at approximately 12:28 p. m., MOISES MAIONICA spoke on

the telephone with Guido Alejandro Antonini Wilson and instructed Antonini that the emissary would approach Antonini; that the emissary and Antonini were then to move several meters away from their initial contact point, and only then to discuss the matter at hand.

16. On October 27, 2007, ANTONIO JOSE CANCHICA GOMEZ entered the United States at Miami International Airport.

17. On October 28, 2007, RODOLFO EDGARDO WANSEELE PACIELLO drove ANTONIO JOSE CANCHICA GOMEZ to a meeting with Guido Alejandro Antonini Wilson in Plantation, Florida. ANTONIO JOSE CANCHICA GOMEZ acknowledged the code word, and informed Guido Alejandro Antonini Wilson that Antonini was required to guarantee that he was going to work with "the attorneys," and, specifically, that Antonini sign a power of attorney. ANTONIO JOSE CANCHICA GOMEZ further assured Guido Alejandro Antonini Wilson that Antonini would be skillfully and discretely helped. ANTONIO JOSE CANCHICA GOMEZ further advised Guido Alejandro Antonini Wilson that he (Canchica) was the "last link" in the chain and that his (Canchica's) mission was to verify matters. RODOLFO EDGARDO WANSEELE PACIELLO conducted counter-surveillance during and after the meeting in Plantation, Florida.

18. On November 6, 2007, MOISES MAIONICA informed Guido Alejandro Antonini Wilson that a very high ranking official of DISIP, using the name "Arvelo," would be calling Antonini.

19. On November 6, 2007, an individual who identified himself as "Arvelo" spoke on the telephone with Guido Alejandro Antonini Wilson and advised Antonini that the young man (ANTONIO JOSE CANCHICA GOMEZ) who traveled to Miami had advised him of Antonini's concerns and that Antonini's concerns were being addressed.

20. On November 18, 2007, an individual who identified himself as “Arvelo” spoke on the telephone with Guido Alejandro Antonini Wilson and informed Antonini that he was sending MOISES MAIONICA or another individual to Miami.

21. On December 11, 2007, Moises Maionica, Franklin Duran, and another individual held further discussions with Guido Alejandro Antonini Wilson in Ft. Lauderdale, FL regarding the creation of a false paper trail to conceal the true source and purpose of the approximately \$800,000 referred to in paragraph 6.

22. Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Edgardo Wanseele Paciello, Franklin Duran, and Carlos Kauffmann had not notified the Attorney General, as required by law, prior to their acting in the United States as agents of a foreign government.

23. Based on the foregoing, I submit that there is probable cause to believe that from in or about August, 2007 to the present, in Miami-Dade County, in the Southern District of Florida, and elsewhere, Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Edgardo Wanseele Paciello, Franklin Duran, and Carlos Kauffmann did knowingly and willfully combine, conspire, confederate and agree with each other and with other individuals, to commit an offense against the United States, that is, to knowingly act in the United States as agents of a foreign government, specifically, the government of the Bolivarian Republic of Venezuela, without prior notification to the Attorney General of the United States as required by law, in violation of Title 18, United States Code, Section 951; all in violation of Title 18, United States Code, Section 371; and further that between August, 2007 and the present, in Miami-Dade County, in the Southern District of Florida, and elsewhere, MOISES MAIONICA, ANTONIO JOSE CANCHICA GOMEZ, RODOLFO EDGARDO WANSEELE PACIELLO, FRANKLIN DURAN, and CARLOS KAUFFMAN knowingly, without

prior notification to the Attorney General as required by law, acted in the United States as agents of a foreign government, specifically, the government of the Bolivarian Republic of Venezuela, in violation of Title 18, United States Code, Sections 951 and 2.



Michael J. Lasiewicki
Federal Bureau of Investigation

Subscribed and sworn to before me
this 12 day of Dec., 2007



United States Magistrate Judge